

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**DIANA BOND, Individually,  
as Representative/Heir of the  
ESTATE OF TAMI BOND and  
as next friend for A.R.B., a minor child**

**V.**

**NUECES COUNTY, TEXAS;  
ELIZABETH ALVARADO, *Individually*;  
JASMINE DRAKE, *Individually*;  
MICHAEL ALVAREZ, *Individually*;  
ANTHONY MUNOZ, *Individually*;  
JOSE RODRIGUEZ, *Individually*;  
LUIS RIVERA, *Individually*;  
JOSE AGUAYO, *Individually*; and  
CHRIS GOMEZ, *Individually*;  
WELLPATH, LLC.; and  
JACKIE BLEVINS, *Individually*.**

**CIVIL ACTION NO. 2:19-cv-00043**  
**JURY TRIAL**

## **PLAINTIFF'S NOTICE OF APPEAL**

**NOW COMES** Plaintiff, Diana Bond, *Individually, as Representative/Heir of the Estate* of Tami Bond, and *as next friend* for A.R.B., *a minor child*, filing this, her *Plaintiff's Notice of Appeal*, and showing unto the Court as follows:

1. Following much briefing concerning Plaintiff's pleadings, the Court – on September 5, 2019 – entered its *Order Granting Motion to Dismiss* (D.E. 46), wherein the Court dismissed all claims against Defendant Nueces County, Texas (hereinafter “County”) based on the “insufficiency” of Plaintiff's pleadings and against all individual County defendants based on the “untimeliness” of the claims.
2. On September 19, 2019, Plaintiff filed her *Plaintiff's Motion to File Plaintiff's Third Amended Original Complaint* (D.E.49). On November 8, 2019, the Court entered its

*Order Denying Leave to Amend* (D.E.63), wherein the Court denied Plaintiff proposed amended complaint as futile and left intact its earlier dismissal of claims against County and the individual County Defendants.

3. On December 23, 2019, the Court entered its *Order Granting Motion to Dismiss* (D.E. 74), wherein the Court dismissed all remaining claims against Defendant Wellpath, LLC, and Jackie Blevins as time barred.
4. On December 23, 2019, the District Court entered a *Final Judgment* (D.E. 75), thereby making all orders final and appealable.
5. Plaintiff desires to appeal the above-noted orders as follows:
  - a) *Order Granting Motion to Dismiss* (D.E. 46) (attached as Exhibit “1”);
  - b) *Order Denying Leave to Amend* (D.E.63) (attached as Exhibit “2”); and
  - c) *Order Granting Motion to Dismiss* (D.E. 74) (attached as Exhibit “3”).
6. Plaintiff desires to appeal to the Fifth Circuit Court of Appeals.

Respectfully submitted,

**GALE LAW GROUP, PLLC**  
711 N. Carancahua St., Suite 514  
Corpus Christi, Texas 78401  
Mailing Address:  
P.O. Box 2591  
Corpus Christi, Texas 78403  
Telephone: (361)808-4444  
Telecopier: (361)232-4139

By: /s/ Christopher J. Gale  
Christopher J. Gale  
Texas Bar No. 00793766  
Southern District Bar No. 27257  
[Chris@GaleLawGroup.com](mailto:Chris@GaleLawGroup.com)  
*Attorney-in-Charge for Plaintiff*

/s/ Amie Augenstein  
Amie Augenstein  
Texas Bar No. 24085184  
Southern District Bar No. 2236723  
[Amie@GaleLawGroup.com](mailto:Amie@GaleLawGroup.com)  
*Attorney for Plaintiff*

**NOTICE OF ELECTRONIC FILING**

The undersigned counsel hereby certifies that he has electronically submitted for filing a true and correct copy of the above and foregoing in accordance with the Electronic Case Files System of the Southern District of Texas on the 20<sup>th</sup> day of January, 2020.

/s/ Christopher J. Gale  
Christopher J. Gale

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 20<sup>th</sup> day of January, 2020, the above and foregoing was sent to the following counsel of record by the means indicated below:

Patrick Overman  
Laura Jimenez  
NUECES COUNTY ATTORNEY  
901 Leopard St., Room 207  
Corpus Christi, Texas 78401

***Via E-File Notification***

Nichol L. Bunn  
C. Trey Scott  
LEWIS, BRISBOIS, BISGAAR & SMITH, LLP  
2100 Ross Avenue, Suite 2000  
Dallas, Texas 75201

***Via E-File Notification***

/s/ Christopher J. Gale  
Christopher J. Gale